

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

DASHAWN A. LARODE,	x	
	:	
Plaintiff,	:	Case No. 1:24-cv-08622-HG-LB
	:	
v.	:	DEFENDANT BRIAN MOYNIHAN, DOING
	:	BUSINESS AS CEO BANK OF AMERICA'S
BRIAN MOYNIHAN d/b/a CEO BANK OF	:	NOTICE OF MOTION TO DISMISS
AMERICA, JOHN ROSATTI d/b/a CEO PLAZA	:	<u>PLAINTIFF'S COMPLAINT</u>
AUTO MALL AND GEORGE BADEEN d/b/a	:	
ALLIED FINANCE ADJUSTERS/NYCR	:	
INDUSTRIES CORP.,	:	
	:	
Defendants.	:	
	x	

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, dated May 13, 2025, the accompanying Declaration of Shan P. Massand, dated May 13, 2025, and the exhibits annexed thereto, and upon all prior pleadings and proceedings in this action, Defendant Brian Moynihan, doing business as CEO Bank of America shall move this Court before the Honorable Hector Gonzalez, United States District Judge for the Eastern District of New York, located at 225 Cadman Plaza East, Courtroom 6A South, Brooklyn, NY 11201, at a date and time to be determined by the Court, for an Order pursuant to Federal Rules of Civil Procedure 12(b)(6) granting Defendant's Motion to Dismiss Plaintiff DaShawn LaRode's Complaint in its entirety and with prejudice, and for such other, further, or different relief as the Court deems just and proper.

**NOTICE TO PRO SE LITIGANT WHO OPPOSES A RULE 12 MOTION
SUPPORTED BY MATTERS OUTSIDE THE PLEADINGS**

The defendant in this case has moved to dismiss or for judgment on the pleadings pursuant to Rule 12(b) or 12(c) of the Federal Rules of Civil Procedure and has submitted additional written materials. This means that the defendant has asked the Court to decide this case without a trial,

based on these written materials. You are warned that the Court may treat this motion as a motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure. For this reason, THE CLAIMS YOU ASSERT IN YOUR COMPLAINT MAY BE DISMISSED WITHOUT A TRIAL IF YOU DO NOT RESPOND TO THIS MOTION ON TIME by filing sworn affidavits as required by Rule 56(c) and/or other documents. The full text of Rule 56 of the Federal Rules of Civil Procedure is attached.

In short, Rule 56 provides that you may NOT oppose the defendant's motion simply by relying upon the allegations in your complaint. Rather, you must submit evidence, such as witness statements or documents, countering the facts asserted by the defendant and raising specific facts that support your claim. If you have proof of your claim, now is the time to submit it. Any witness statements must be in the form of affidavits. An affidavit is a sworn statement of fact based on personal knowledge stating facts that would be admissible in evidence at trial. You may submit your own affidavit and/or the affidavits of others. You may submit affidavits that were prepared specifically in response to defendant's motion.

If you do not respond to the motion on time with affidavits and/or documents contradicting the facts asserted by the defendant, the Court may accept defendant's facts as true. Your case may be dismissed, and judgment may be entered in defendant's favor without a trial.

If you have any questions, you may direct them to the *Pro Se* Office.

Dated: New York, New York
May 13, 2025

Respectfully submitted,

/s/ Shan Massand

Shan P. Massand
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Pro Se Plaintiff